Secularism in India: Challenges and Future

SHORT SYNOPSIS

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MANAV RACHNA
vidyanatariksha

MANAV RACHNA UNIVERSITY
(FORMERLY MANAV RACHNA COLLEGE OF ENGINEERING
NAAC ACCREDITED 'A' GRADE INSTITUTION)
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DECLARATION BY THE SCHOLAR

I hereby declare that the short synopsis titled"Secularism in India: Challenges andFuture" being submitted in partial fulfilment of the requirement for the degree of Doctor of Philosophy in Faculty of Law under Manav Rachna University, Faridabad during the academic year 2020-2021. It is a bona-fide record of original work carried out under the supervision of Dr. Seema Guptaand has not been submitted in full or part to any other university or institute for degree or diploma. Further, it is certified that short synopsis is within the plagiarism limit and copy of the same is attached as per the University norms.

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ABSTRACT

Secularism materialises when the realm of God and the realm of power (politics) i.e. the sphere of religion and the sphere of politics are separated. As a result, politics no longer underpins religion. Therefore, it can be stated that politics is no longer a war-like affair instead a peace-like politics and it operates as modus operandi of polity. India is a Secular nation, where everybody enjoys the religious freedom in its entirety without the State interfering and compelling anybody for believing and preaching any one religion. Freedom of religion is one of the primary basic rights and is written in our supreme law of Constitution. Everyone, of their own free can propagate any religion, to espouse any religion and enjoy any religious freedom.

Under British regime the concept of Secularism gained progressive role in India and religion seemed as an indivisible piece of governmental issues and public activity. At the time of Independence, the focal point was secularism for political pioneers. Every single unmistakable pioneer of the Indian National Congress like Jawaharlal Nehru focused on Secularism. Historically, the dreadful inverse occurred when the collective brutality which was prompted by this religious segregation of units of India and Pakistan in 1947 as two different nations can be seen. After India gained independence, it opted for a Nation in which State do not incline towards one particular religion. Hence, it can be said that India does not have any religion. This research will evaluate different systems around the globe to analyse the significance of Secularism in different systems like in UK and USA and will compare the similarities and differences which can be perceived. The researcher will try to find out whether Secularism is followed in its true spirits in India.

The presupposition of a Secular political order was to motivate both emancipation and political equality for all the religions including minorities. This research will try to find out if such a supposition can be achieved or will it remain a question for the world. There have been instances of violence and intolerance against religious minorities which have increased significantly as a result of deep-rooted inter- and intra-faith conflicts and/or supposed “inherent intolerance”. These incidents have widened the gap between majorities and minorities communities. This results in increase in intolerance level and fear among many people, as consequence people are not comfortable living together with people belonging to

other religion, culture or belief. The research further will find out the scenario for upsurge in political secularism and other faith-based confrontations.

Keywords: Secularism, Political order, Religion, Freedom, Constitution.

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1. INTRODUCTION

Religion has functioned throughout the history of human beings for providing inspiration and justification for whole ranges of unfathomable acts of courage, compassion, generosity, heroic to heinous crimes against humanity. The power of Religion still remains potent even in 21st century despite of predictions in modern times that states the influences by religious matters will steadily decline with the advancing science and society towards modernity. To grasp this phenomenon as a whole from local to international level is critical. Peter Berger, a sociologist in 1968 stated that advancement with modern society will result in decline of religion for individual and society. In 1996, he discovered that the proposition he gave turned out to be miscalculated, and said that the world is massively religious and further stated that the 21st century also will be equally religious and will be one with God's century.

There are many assertions about religion itself like (1) Religious belief are divided internally and they do not have any uniform nature. (2) It is evident that religion evolves with time and change its methods and preaching. (3) The influences which are derived from religion are imbibed in culture as opposed to isolates and private affairs (4) If Secularism has to survive, it will have to confirm with freedom of religion but vice-versa is not true.

Secularism is a modality and not a dogma. The term Secularism was derived and noticed for the first time in 19th century where George Holyake, a publicist conveyed his perspective of advancing social order which is equidistant from Religion, keeping in mind not to actively dismiss or criticise any belief related to religion. From the point of time different religions formed their own versions of Secularism in thesis and real implementation of it. Many of nations from the west asserted on uniformity, single-faith. This led to challenges faced by citizens from emigrant communities believing in their own faiths and religion, which led to the recent diverse societies are raising alarming situations to throw western secularism in turmoil.

Secularism, with a peculiar backdrop of United States of America, became inter-connected with Religion. The lessons provided by the ministers of religion and the practices became hindrances for correctly understanding the government perspective of directives and decisions which led the Supreme Court of USA explaining Secularism as disjointed from Religion. The Supreme Court of USA in the case *Raynolds* v. *USA*[1] stated that USA's

[1] 98 **U.S.** 145

Federal Government is prohibited to interfere with religious freedom and activities related to it, directly or indirectly. Eventually other decisions reiterated the same position through other cases. It can be said that this was also done by the Courts to provide a restricted meaning which can also differentiate between the theocratic nation and democracy. Later, it came to be called a Secular Nation. The present research will evaluate that 'being a Secular State just does not mean, that the government is negating theocratic form of government.

In India the Supreme Court, on numerous occasions, have pronounced that Secularism is one of the features to govern India. The first case to pronounce this historic judgement was in *Kesavananda Bharati* v. *Union of India*[2]. This was the lengthiest case in history of India which was heard by a constitutional bench of 13 judges and in 1974, the decision for this long-awaited case was delivered. The 13 Judge Bench wrote different judgments but it can be seen that the unanimous view of the case was "Secularism is one of the basic features of the Indian Constitution". It is to be noted that during the framing of the constitution this term "Secularism" was not inserted in our Constitution anywhere even though few members in drafting committee voiced for employment of the word 'Secularism' in our preamble itself. But Dr. B.R. Ambedkar, was not in favour of such insertion. He stated that since Constitution is the supreme document it shall be avoided, sloganeering terminological expressions to the extent possible. The spirit of Secularism can be shown via different sections, parts, articles of Constitution and not by just adding "secularism" in the preamble. Later, the 42nd Amendment added the words "Sovereign Socialist Secular Democratic Republic" to Constitution's Preamble itself in 1976. This all happened in the backdrop of emergency declared at that time with suspension of many basic human rights of the people and the secular character of Constitution was impaired majorly. As there was no opposition in such times because all possible critics were either not heard or were incarcerated in prisons, it was easy passage for the government to include such empty words by passing the resolution for the Amendment. However, after this infamous time of Emergency ended, the citizens received their freedom back because such amendments from this period of emergency were amended again. But this particular change was not deleted from the constitution as it was already present in spirit and confirmed by the founding fathers that the intention was to make a Secular Nation. Hence, to re-amend was considered as sheer waste of time.

[2] AIR 1973 SC 1461

The level assigned to Secular feature present in Constitution is the "Dignity of the individual" as the first and foremost consideration recognised in our Constitution. It is iterated that basic principle is that the dignity of the citizen to be upheld uninterrupted even when all the factors are involved. Article 14 of the Constitution of India states "the State shall not deny to any person equality before the law and equal protection of the laws within the territory of India". This Article is important indicator of Secularism. Article 15[3] states "no discrimination is allowed on the basis of religion, cast, race, sex or place of birth as between the citizens". Article 16[4] declares that "every citizen has equal right to any office". These Articles can be presented as evidences for the secular feature indexed in the Constitution. Likewise, ingredients intended in Article 21[5] promises "protection of life and liberty for every citizen except through the procedure established by law". Right to religion also have this freedom for not believing in any particular religion. Simultaneously, "right to profess, practice and propagate religion" is contingent to "public morality, public health, public order and other fundamental rights". It exhibits that the makers of the Constitution had foreseen that this religious freedom to be contingent to the above-mentioned exception. Similarly, public fund should not to be utilized for the purpose of upliftment for any one religious denomination and further there should not be any instructions to be imparted to any educational institution operated or aided by the State. While Article 29[6], titled as "Protection of interest of minority rights", precisely mentions that even if a fraction of people having different script, different language or different culture altogether shall be provided with the right to protect their different identity. This right also contains a restriction against inconsistency of admission to any educational institutions owned by the government of the State or aided by that government fund on grounds relating to religion, race, caste etc. The above-mentioned evidences in different Constitutional provisions depict Secular nature of the Constitution. Article 30[7] refers to the "right of minorities, including religious or linguistic minorities", for establishing and therefore administrating institutions for educational purposes. The Supreme Court in case *TMA Pai* v. *State of Karnataka*[8] clarified that "no minority can claim a greater right than what is claimable by the majority" and the Court further stated that this protection rights for minority is related to institutions for educational purpose only and the minorities shall not treat this right for any superior right.

[3] The Constitution of India, art.15- Protection from discrimination on several grounds.
[4] The Constitution of India, art.16- Public employment equality.
[5] The Constitution of India, art.21- Protection of life and personal liberty.
[6] The Constitution of India, art.29- Protection of interest of minorities.
[7] The Constitution of India, art.30- Right of minorities to establish and administer educational institutions.
[8] AIR 2003 SC 355

Further, Article 44[9] from the Constitution urges "the state to bring uniform Civil Code", Article 51 A[10] specifies "fundamental duties of citizens" which further states, under clause (e), that "every Indian citizen to promote harmony and spread the spirit of brotherhood, transcending religious linguistic regional or sectional diversities". Similarly, the other duty under Article 51 A (h) states that "every Indian citizen to develop scientific temper, humanism, spirit of inquiry and reform". Each of these duties under Article 51 A are precisely by-products of Indian Constitution's Secular character.

Indian model of Secularism is different from other Nations. It does not, as Rajeev Bhargava[11] stated, "erect any strict wall of separation" between both State and Religion rather it propose a equidistant principle between the two. Secularism was not adopted verbatim from the west, in fact it was derived from the diverse and rich history and culture of our nation. It was conceived by our founding fathers. They had this desire for being fair to all religious sections. It is basically bridging the gap between religion and diverse society for crossing barriers over in relation to diversity. It ensures that religious minorities do not suffer from any sense of inferiority like in other nations such as Pakistan or Bangladesh. The whole concept is in consonance with International standards as mentioned in Article 18 of Universal Declaration of Human Rights[12] which states that "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance".

Many scholars and sociologist have defined Secularism in their own views. Donald E. Smith[13] explains that "To most Indians, secular means non-communal, or non-sectarian, but it does not mean non-religious. The basis of Secular State is not a 'wall of separation' between State and religion but rather 'no preference doctrine' which requires that no special privilege be granted to any one religion. The Secular State includes the principle that the function of the State must be non-religious."

[9] The Constitution of India, Art.44- Uniform civil code for all citizens.
[10] The Constitution of India, Art.51 A- Fundamental duties.
[11] Rajeev Bhargava, "Giving Secularism its Due", volume 29 of *Economic and Political Weekly,* pp. 1784-1791
[12] The Universal Declaration of Human Rights of 1948, Art. 18.
[13] Neha Chauhan, "Religious Conversion and Freedom of Religion in India: Debates and Dilemmas" *1 ILI Law Review* 126-137 (2017).

According to Calvinist Theodore Beza "religious liberty is a most diabolical dogma because it means that everyone should be left to go to hell in his own way''[14]. Religion for democracies like India to be linked with any religion or not, is entirely up to an adult person according to his choice to be associated with a religion or not. It is up to him to not believe in any religion or convert to any other[15]. Article 25 is the reservoir for Freedom of Religion. It provides "liberty to profess, practice and propagate any religion as per individual's choice". If any freedom is infringed by state or individual then aggrieved party can approach the judiciary by way of writs. As, it is mentioned in Article 15, these rights also have some reasonable restrictions of public opinion, morality and health and to other provisions of Part-III of Constitution.

India being a Secular State ensures equal freedom to all religions and it does not imply that it is non-religious, anti-religious, atheistic or irreligious Nation and it neither promotes nor interferes in religious practices.

The Supreme Court in *St. Xavier's College* v. *State of Gujarat*[16] pronounced that**:**

> "*secularism is neither Anti-God nor Pro-God, it treats alike the devout, the agnostic and the atheist. It eliminates God from the matters of the State and ensures that no one shall be discriminated against on the grounds of religion*". 'That every human is free to mould or to regulate his/her relationship with God in any manner i.e. he/she is free to go to God or to next adobe in his own way and the worshipping should be left to his/her dictate according to his conscience'.

In *Commissioner Hindu Religious Endowments* v. *Lakshmindra Thirtha Swamiar, Sri Shriarur Mutt*[17], the Supreme Court observed as under:

> "The word "religion" has not been defined in the Constitution and it is a term which is hardly susceptible of any rigid definition. Articles 25 and 26 of our Constitution are based for the most part upon Article 44(2) of the Constitution of Eire. Religion is certainly a matter of faith with individuals or communities and it

[14] Faizan Mustafa, "Supreme Court as Clergy" *The Tribune*, 20th May'2017 *Available at* < https://www.tribuneindia.com/news/archive/comment/supreme-court-as-clergy-409651> (24th May'2020)
[15] H.M. Seervai (ed.), *Constitutional Law of India* (Universal law Publishing Co. Pvt. Ltd, New Delhi, 2005)
[16] AIR 1389, 1975 SCR (1) 173
[17] AIR 1954 SCR 1005

is not necessarily theistic. There are well known religions in India like Buddhism and Jainism which do not believe in God or in any Intelligent First Cause. A religion undoubtedly has its basis in a system of beliefs or doctrines which are regarded by those who profess that religion as conducive to their spiritual wellbeing, but it would not be correct to say that religion is nothing else, but a doctrine or belief. A religion may not only lay down a code of ethical rules for its followers to accept, it might prescribe rituals and observances, ceremonies and modes of worship which are regarded as integral parts of religion, and these forms and observances might extend even to matters of food and dress. The guarantee under our Constitution not only protects the freedom of religious opinion but it protects also acts done in pursuance of a religion and this is made clear by the use of the expression "practice of religion" in Article 25".

In *S.R. Bommai* v. *Union of India*[18], the Supreme Court favoured Secularism and discussed it at length. They explained that:

- Constitution has chosen adoption of secularism as a transport for establishing an egalitarian society. This fundamental freedom was pronounced to be part of basic structure in India and its political system.

- The term 'Secularism' was added in the later stage, but the concept of secularism was very much embedded in the Constitutional spirit. By adding it through amendment, it became more explicit.

- Constitutional provisions prevent state aligning or favouring relating to are particular faith or religion.

- The positive concept of equal treatment to all religions can be attained by this feature of Secularism.

[18] AIR 1994 3 SCC 1

1.1 RELIGIOUS FREEDOM IN INDIA: DOWNWARD TREND

"The United States Commission on International Religious Freedom" in its annual report[19] recommended India as a CPC i.e. Country of Particular Concern, which was released in April'2020. This is after a long time since 2004 that USCIRF has placed India as CPC alongside other nations like Vietnam, Burma, China, Iran, Pakistan, Saudi Arabia, Syria, Russia etc. During 2019, the report states that India has formulated many policies which can be perceived as discriminatory, inflammatory and that the nation has developed tolerance level for violence at all 3 levels i.e. national, state, and local against minorities. This International report showcase following various causes to hold India responsible:

1.1.1 Cow Slaughter Laws

In Hindu religion, the cow is considered sacred. Article 48[20] Constitution of India which is a Directive principals of State Policy and it directs the state to "take steps….prohibiting the slaughter, of cows and calves and other milch and draught cattle" and many states criminalize cow slaughter in various forms. Cow protection has been promoted as a key issue by the many political parties. There have been many incidents of mob lynching, and attacks on minorities which includes Muslims, Christians, and Dalits under suspicion of beef eating, slaughtering cows, or transporting cattle for slaughter. Harassed victims are often arrested under these laws rather than the perpetrators of the crime.

1.1.2 Anti-Conversion Laws

The protection for changing one's religion is provided under our Constitution and this right is in consonance with Article 18 of Universal Declaration of Human Rights of 1948. But it can be seen that 10 states in India have anti-conversion laws which criminalise conversion on the basis of allurement, fraud, force or inducement, nevertheless there are many laws among these which contain unclear provisions which are interpreted as prohibiting consensual conversions. Himachal Pradesh[21] in 2019 have shown considerable rise in number of cases of forced conversions and for that authorities predominately arrest people of Muslims and Christians faith predominantly

[19] The United States Commission on International Religious Freedom, "Annual Report 2020" pp.20-23 (2020)
[20] The Constitution of India, Art.48.
[21] "Himachal Pradesh passed bill over 'forced conversion'" *The Hindu 2019 available at* <https://www.thehindu.com/news/national/other-states/himachal-passes-bill-against-forced-conversion/article29299008.ece>

for conversion activities. Till date, however, there are no known convictions for forced conversion. Hindu religion also supports mass conversions through ceremonies known as ghar wapsi (homecoming), without any authorities interventions. This has resulted in harassment, social exclusion, and violence against religious minorities groups across the country.

1.2. SCHEME OF CHAPERTISATION:

The researcher framed the title of research and chapters accordingly to study the Freedom of Religion and the concept of Secularism- how far the similarities and dissimilarities lies. For this, the researcher will find out graphics of words under Indian Constitution, the intention of the drafters to add it to the supreme law of the land and analyse the role of Indian Society, Indian Politics and the interpretations given by Indian Courts. The research consists of seven Chapters. Following is the tentative Chapterisation-

1- **Introduction**

2- **Historical Background of Secularism in India**

3- **Constitutional Provisions for the Protection of Secularism and Freedom of Religion**

4- **Personal Laws vis-à-vis Secularism**

5- **Barriers in effective implementation of Secularism in India**

6- **Comparison of Indian Secularism with other Nations**

7- **Conclusion & Suggestions**

2 LITERATURE REVIEW

Jurist H.M. Seervai in his book *'Constitutional Law of India'* [22] has given comparative study on the development of the legal theories of Constitutional Law, and compares it with USA, UK, Australia and other Common Law nations and explains how the Indian courts have been influenced by these. Furthermore, the author is of the opinion that the Courts are deviating from the Constitutional mandate. The author expresses that Article 25, 27 and 28 of Indian Constitution are facets of Secularism.

Author Prof. Trilok Chand Madan in his Article "*Freedom of Religion*"[23] expresses that the time is opportune to argue that the best guardian of Freedom of Religion is the working of society with the State, their combined effort can make an amicable move following the choice of life. The article discusses the democratic countries of the world and its primordial identities of religion, language, and caste. The author further states that Religion as along faith in one being or other is a psychological matter and looking at a nation like ours, the choice is very personal to a million citizens. In order to keep this choice valid, the nation has to choose a religious-neutral State role. India protects one's way of expression and practice of one's religion without any kind of hindrance. This part of protection sometimes creates problem.

N.K. Acharya in his book '*Landmark Judgements of Supreme Court (1950-2011)'*[24] refers to judicial decisions taken by the highest Court of the land to understand the Constitutional provisions and laws related to Secularism. The book provides plethora of judgments of Supreme Court on the concept of Secularism and how minorities are affected by it. The book further goes into interpretation of judgements by evaluating them critically and looking for dissent in those cases and even bring out many debates and discussions on contentious and controversial issues.. The book enumerates guidelines issued in various cases like Babri Masjid and Rama Janam Bhoomi etc.

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[22] *Supra* note 16 at 9.

[23] T.N. Madan "Freedom of Religion" in *Images of the World -Essay on Religion, Secularism and Culture* (Oxford University Press, 2006)

[24] Acharya, N.K (Nallantigal Krishna) (ed.), *Landmark Judgements of Supreme Court (1950-2011): annotated together with precedent* (Asia Law House, Hyderabad, 2012).

Author Asghar Ali Engineer, in his article "Future of Secularism in India"[25] questions the future of Secularism as the political parties are likely to intensify the agenda of Hindutva in the near future. Further the author discusses that in such scenario's the future of Secularism seems to be at the receiving end for a short duration of time as the history and culture of multi-religious society which dates back to century with its diversity and economic growth will become its factors for a more stable Secular State and polity.

Andre Beteille in his article "Secularism and Intellectuals"[26] advocates that Secularism in India has suffered from bad advocacy. The author explains that the proponents and protectors of secularism mostly have been left intellectuals to protect this fundamental right whereas others believe that what shouldn't have been was this abiding attitude of people towards all religion. The whole society should have put in the efforts to equal encouragement and promotion of it.

Bhavya Gupta in her article "Secularism as an Ideology: A Global and Indian Perspective"[27] refers to what Supreme Court have iterated in many cases that "Secularism as a part of basic structure" and how it came to existence when two-nations were separated on the basis of religion and what were the efforts put in by both individuals and at collective level. The article further elaborates the threats faced by Secularism in today's time. The article emphasize on the evolution of Secularism on world stage. Furthermore, this article by comparative studies takes it towards different levels and frameworks.

Jagdish Bhagwati in article "Secularism in India: Why is it Imperiled?"[28] has mentioned the state of Secularism in India. The author analyses the factors contributing to disturbing trends and its correctives. The article explains Nehruvian Secularism and he categorically separates Secularism into two-dimensions i.e. at home and abroad.

Charles Taylor in his article "Secularism and Multiculturalism"[29] explains the working of Secular State and how, previously, the State wanted to have a controlling agent in respect of religion whereas in the present times, the State is more focused on managing this multi-culturalism in a fair and non-discriminatory manner like in transformation of populations in Western democracies. The article also explains how the people of several international

[25] Asghar Ali Engineer "Future of Secularism in India" *ResearchGate* 765-769 (2004).
[26] Andre Beteille "Secularism and Intellectuals" 29 *Economic and Political Weekly* 559-566 (1994).
[27] Bhavya Gupta "Secularism as an Ideology: A Global and Indian Perspective" *SRNN* (2018).
[28] Jagdish Bhagwati "Secularism in India: Why is it Imperiled?" *Oxford University Press* (2007).
[29] Charles Taylor, "Secularism and Multiculturalism", in BBVA *Value and Ethics for 21st century* (BBVA, 2012).

communities migrated in India and brought their own religion and own beliefs along with them and created new diversity in our culture, like in US- Catholics, Protestants and Jews were the only religions present but now it's easier to locate Buddhists, Muslims, Hindus etc. Naturally, this new concept of Secularism majorly discuss about diversity and its issues which this multi-culturalism brought with itself. The author talks about secularist regime and to manage the religious and metaphysical- philosophical diversity of views fairly and democratically.

Faizan Mustafa and Jagteshwar Singh Sohi in their article "Freedom of Religion in India: Current Issues and Supreme Court acting as Clergy"[30] talks about freedom of religion among the most important liberties and one of the facets of human existence. The article highlights that the highest Court in its role as clergy is determining the scope of these religious practices by applying the 'essentiality test' on case to case basis and finding out what are the essential and non-essential practices in relation to religion. But it can be noticed that gradually in each case the Court have applied this test and the result are inconsistent and rapidly changing the outcome with the progression of the society. The article assesses these cases along with the verdicts to demonstrate the adverse impact of the "essentiality test" on religious freedom.

Rajeev Dhavan in his article "The Road to Xanadu: India's Quest for Secularism"[31] emphasis on law governing personal laws such as marriage, dowry, divorce, wills, legitimacy and inheritance. The respective religions are looked into for guidance for dealing with individual's background of similar religions like Hindu laws, Muslim laws etc. But the problem arises when the Court tries to balance the claims of all the religious communities with those of modern Secular state for India as a nation.

Madabhushi Sridhar in his book "Constitutional Justice and Judicial Process"[32] first and foremost introduce the meaning and concept of law in a society, justice application in a society. It further deals with Constitution, Secularism and religious freedom and furthermore explains what are the religious values according to Indian Constitution. This book states that it is the duty of the State indirectly to protect and promote religious practices for all religions without any hindrance and discrimination.

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[30] Faizan Mustafa and Jagteshwar Singh Sohi "Freedom of Religion in India: Current Issues and Supreme Court acting as Clergy" 4 *BYU Law Review* 915-956 (2017).
[31] Rajeev Dhavan "The Road to Xanadu: India's Quest for Secularism" in Gerald James Larson (ed.), *Religion and Personal Law in Secular India: A call to Judgment* 301-325 (Indiana University Press, 2001).
[32] Prof. Madabhushi Sridhar (ed.), *Constitutional Justice and Judicial Process* (Asia Law House, Hyderabad, 2014)

The author Faizan Mustafa in his article "Supreme Court as Clergy"[33] discusses how religion is the centre of human societal interest. He further comments upon the Supreme Court ruling discussing on Instant Triple Talaq as a fundamental feature of Islamic law or not. Further, author discusses about "essentiality test" which courts are applying to find out the essential practices in a religion and how those can be dealt over the other practices.

Rajeev Mantri in his piece "Saving Secularism from the 'Secularist'"[34] discusses various situations where the Government has acted upon in favour of minorities. He has given many examples such as the Communal Violence Bill, bought by UPA Government. The Bill failed to acknowledge the communal violence perpetrated by the minority community against the majority. He has suggested measures of what the Government in the light of Secularism should do.

Ranbir Singh and Karamvir Singh in their article "Secularism in India: Challenges and its Future"[35] examines concept of Secularism in context of the world in generic sense and India in specific sense. Further the authors expressed that India as a nation is democratic and Secular in the same sense. Furthermore, the article points out recent communal violence leading to failure of State to protect this natural and fundamental right.

3. AIMS AND OBJECTIVES OF THE STUDY

This study focuses on concept of Secularism, its peaceful practice, approach of the State, challenges and its future in India. The objectives of the study are:

1. To study the theories of Secularism for its conceptual understanding.
2. To study the Constitutional provisions, laws and the limitations related to freedom to practice religion.
3. To explore facets of Secularism.
4. To enquire about the State actions to promote undisturbed enjoyment of this freedom.

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[33] Supra Note. 1
[34] Rajeev Mantri, "Saving Secularism from the 'Secularist'" *Livemint,* 20th March'2014 available at <https://www.livemint.com/Opinion/NjnmAZDTjUMUyZjhETSzIL/Saving-secularism-from-the-secularists.html> (last visited on 24th May'2020)
[35] Ranbir Singh and Karamvir Singh "Secularism in India: Challenges and its Future" 69 *The Indian Journal of Political Science* 597-607 (2008).

5. To examine the legal framework for conversion of religion and its implications in India.
6. To analyse the Judicial approach through its interpretations to safeguard Secularism.
7. To analyse social approach and challenges for Secularism in India in comparison with Universal International standards.

3.1 RESEARCH QUESTIONS

1. What is the concept of Secularization and its theories?
2. Is Secularism a cardinal principle of the Constitution of India and its democratic framework?
3. What is the role of State in the effective implementation of Secularism and freedom of religion?

   3.1 What are the consequences of Cow protection laws in India?

   3.2 Do the State Anti-conversion laws impinge on right to freedom of religion?
4. How does the State balance Secularism and freedom of speech and expression?
5. What are the Political, Social, Legal and Economic aspects which impact Secularism in India?
6. Can India achieve a Uniform Civil Code?
7. Have the ongoing communal conflicts between the majority and minority communities led to the virtual obliteration of the principle of Secularism from India?

3.2 RESEARCH VARIABLES

a- Dependent Variables:

Secularism,

Freedom to practice religion

b- Independent Variables:

Constitutional Law, other legislations, Society, Judicial decisions, State.

3.3 RESEARCH HYPOTHESIS

1. Judiciary, by interpreting the constitutional provisions, applying the basic laws, religious faith, scriptures, interpretations and implementations of laws is helping in progress of Secularism.
2. Secularism has strong ties with democracy and freedom of speech & expression.
3. Supreme Court determines contours of secularism and religious faith of citizens.
4. State and religion can arrive at progressive equation by understanding the Constitution and ideal legal system in India.

3.4 RESEARCH METHODOLOGY

In order to achieve the objectives of this research, the Doctrinal Research Methodology will be used. For the purpose of this study the researcher aims to follow Qualitative approach which will include Descriptive cum Analytical Method, Comparative Method and Critical Method. These methods together will help in analysing all relevant aspects and related problems.

The research work will be dependent upon primary and secondary sources. The Primary data will be Constitution of India, legislations, Judgements, scholarly work, Constituent Assembly debates, Books, International laws and Reports.

The Secondary data will be collected from Journals, Articles, Newspapers etc.

4. SCOPE, LIMITATIONS, SIGNIFICANCE & IMPLICATIONS

The research will not indulge in political discussions *viz-a-viz* party politics. The study will focus on comparison of Secularism and religious freedom with other Secular Nations. It will exclude non-secular nations.

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Research Supervisor

Vani Kataria

Secularism in India: Challenges and Future

(Short Synopsis)

by

Vani Kataria Nehra

(2K20-PFL-005)

Under the Supervision

Of

Dr. Seema Gupta

Associate Professor

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ABSTRACT

Secularism materialises when the realm of God and the realm of power(politics) i.e. the sphere of religion and the sphere of politicsare separated. As a result, politics no longer underpins religion. Therefore, it can be stated that politics is no longer a war-like affair instead a peace-like politics and it operates as modus operandi of polity. India is a Secular nation, where everybody enjoys the religious freedom in its entirety without the State interfering and compelling anybody for believing and preaching any one religion. Freedom of religion is one of the primary basic rights and is written in our supreme law of Constitution. Everyone, of their own free can propagate any religion, to espouse any religion and enjoy any religious freedom.

Under British regime the concept of Secularism gained progressive role in India and religion seemed as an indivisible piece of governmental issues and public activity. At the time of Independence, the focal point was secularism for political pioneers. Every single

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2. Department : **FACULTY OF LAW**
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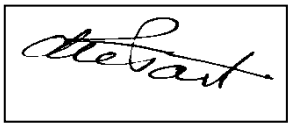
4. Enrollment No : **2K20-PFL-005**
5. Name of the Supervisor : **Dr. Seema Gupta**
6. Name of the Co-Supervisor: --
7. Research Area : **Freedom of Religion**
8. Comments:

a. Approved the Topic-'**Secularism In India : Challenges And Future'**

b. Short Synopsis containing Review of literature, Research objectives, Research Questions, Methodology and Chapterization was also approved.

c. Have been asked to conduct further research.



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This has the approval of all the DRC members- Prof. Badruddin, Prof. Jose P. Verghese, Mr. Ravikant Vasudev, Dr. Somdutt Bhardwaj, Dr. Seema Gupta and Dr. Tarundeep Kaur.

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